

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JUAN BRADLEY,	)	8:10CV404
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
OSCAR HARRIET, et al.,	)	
	)	
Defendants.	)	

This matter is before the court on Plaintiff's Notice of Appeal, filed on November 26, 2010. (Filing No. [11](#).) Plaintiff did not submit a Motion for Leave to Proceed In Forma Pauperis ("IFP") on Appeal, nor has he paid the \$455.00 appellate filing fee. (Filing No. [12](#).) The court has carefully reviewed the record and finds that the appeal cannot be processed.

As the court has previously informed Plaintiff, under the provisions of [28 U.S.C. §1915\(g\)](#) ("§ 1915(g)"), a prisoner may not proceed in forma pauperis in a civil action, or appeal a judgment in a civil action, if the prisoner has, on three or more occasions, while incarcerated, brought an action or appeal in federal court that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted. [§ 1915\(g\)](#). An exception is made for prisoners who are under imminent danger of serious physical injury. *Id.* The court has already determined that Plaintiff brought the following four cases while incarcerated, all of which were dismissed as frivolous:

- *Bradley v. Urbom*, No.8:92CV54 (D. Neb.), dismissed as frivolous on March 10, 1992.
- *Bradley v. The Senate*, No. 8:92CV96 (D. Neb.), dismissed as frivolous on May 7, 1992.

- *Bradley v. U.S. District Court*, No. 8:92CV127 (D. Neb.), dismissed as frivolous on March 13, 1992.
- *Bradley v. Urbom*, No. 8:92CV188 (D. Neb.), dismissed as frivolous on April 13, 1992.

Plaintiff has not shown that these cases are not frivolous, nor has he shown that he faces any danger of physical injury. Thus, Plaintiff was not permitted to proceed IFP in this court, and is not entitled to proceed IFP on appeal. Moreover, Plaintiff has not paid the \$455.00 filing fee, and his appeal cannot be processed.

IT IS THEREFORE ORDERED that:

1. Plaintiff is not entitled to proceed IFP on appeal and the appeal is dismissed. The Clerk of the court shall not process the appeal to the Eighth Circuit.
2. The Clerk of the court is directed to forward a copy of this Memorandum and Order to the parties and to the Eighth Circuit Court of Appeals.

DATED this 6<sup>th</sup> day of December, 2010.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge

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